

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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**COMPLAINT OF eGIX NETWORK)
SERVICES, INC. PURSUANT TO 170)
IAC 7-7 FOR EXPEDITED REVIEW)
OF A DISPUTE WITH INDIANA BELL)
TELEPHONE COMPANY, INC. d/b/a)
SBC INDIANA CONCERNING ITS)
FAILURE TO INTERCONNECT)
WITH ENS UNDER A COMMISSION)
APPROVED INTERCONNECT)
AGREEMENT)**

FILED

OCT 28 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 40572-INA-0140ND-RD 01

**RESPONDENT:)
INDIANA BELL TELEPHONE)
COMPANY, INC. d/b/a SBC INDIANA)**

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

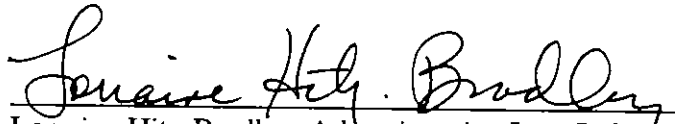
On September 2, 2003, eGIX, Indiana, Inc. ("ENS") filed its *Complaint* against Indiana Bell Telephone Company, Inc., d/b/a SBC Indiana ("SBC") under 170 IAC 7-7-1, *et seq.*, the Commission's Expedited Procedure for Resolving Interconnection Disputes Between Telecommunications Carriers. After due and timely notice, an evidentiary hearing was held on October 28, 2003, at 9:30 a.m. in Room E306 of the Indiana Government Center South.

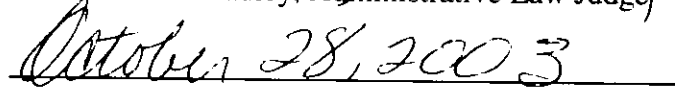
The Presiding Officer, having reviewed the information contained in the exhibits of Petitioner and Respondent, and being duly advised in the premises, now finds that the parties shall answer the following data requests by October 31, 2003. To the extent that either party has insufficient knowledge to answer a question, it shall so state. Further, each party shall indicate upon which piece of evidence it is relying in making its answer.

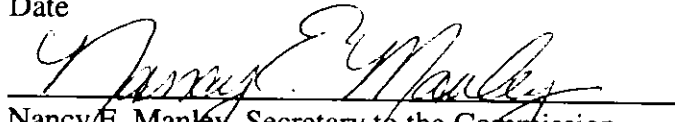
1. The purchase of @Link assets by ENS occurred on December 16, 2001. When did ENS have physical or virtual access to those assets? Further, on what date did ENS actually access them? Does SBC contend that either of these dates is the billing date, and why?
2. What was the occupancy date, as defined in the ICA, by ENS of the virtual or physical collocation facilities?
3. What is the Effective Billing date, as set forth in the ICA §7.9?
4. What was the date that the Pre-Provisioned Collocation Agreement was tendered by SBC to ENS?
5. Regarding the ACNAs of @Link and ENS: On what date does ENS allege that SBC knew that @Link's ACNA would not work in their billing system for ENS? When did

- SBC know that ENS planned to use @Link's ACNA?
6. Is the evaluation of the @Link facilities, and the subsequent power reduction work performed by third-party contractors, augmentation work as defined under 2(a) of the MOU, or CDOW work? Please respond to each section of the question, with specific document references to support the answer.
 7. When ENS took over @Link's virtual and physical collocation, was that considered a new, or continuing ICA? And why?
 8. Was the collocation application submitted by ENS on January 24, 2002, pursuant to the requirements of the MOU, or did the terms of the ICA under Cause No. 40572-INT-140 control?
 9. Did ENS submit any collocation applications to SBC after September 16, 2002?
 10. Please define "collocation database and record changes." Is a corrected ACNA contained within the definitions of these terms?
 11. Please provide your interpretation of the last sentence of paragraph (1) of the CDOW Amendment.

IT IS SO ORDERED.


Lorraine Hitz-Bradley, Administrative Law Judge


Date


Nancy E. Manley, Secretary to the Commission